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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,148	04/01/2005	Ernst Faber	FABER, S-10 PCT	2875
25889	7590	09/25/2006	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/530,148	Applicant(s) FABER, ERNST	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14-29 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 10 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-9, 21, and 24-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,222,333 to Wenzel et al.

With respect to claim 1, Wenzel et al. teaches a hand stamp, see page 2, column 2, lines 74-75, comprising a stamp plate carrier, 10, and a stamp plate, 18, made from elastic material, a plurality of engaging parts, 12, on said stamp plate carrier, a plurality of engaging parts, 20, on said stamp plate for a releasable interconnection thereof, wherein said plurality of engaging parts are formed by multiple groove/web structures. See page 1, column 1, line 42 - column 2, line 45 and Fig. 1.

With respect to claim 21, Wenzel et al. teaches a stamp plate, 18, for a hand stamp, see page 2, column 2, lines 74-75, comprising engaging parts, 20, for a releasable interconnection with a stamp plate carrier of the hand stamp, wherein the engaging parts are formed by a multiple groove/web structure and wherein said stamp plate is made from elastic material. See page 1, column 1, line 42 - column 2, line 45 and Fig. 1.

With respect to claims 4 and 24, Wenzel et al. teaches groove/web structures wherein the grooves and the webs have cross-sections engaging one behind the other. See the Figures.

With respect to claims 5 and 25, Wenzel et al. teaches the grooves and webs have trapezoidal cross-sections for providing a snap fit of said engaging parts on said stamp plate with said engaging parts on said stamp plate carrier. See Figs. 5 and 6.

With respect to claims 6-9 and 26-29, Wenzel et al. teaches that the groove/web structures are arranged on the entire surface of the carrier or of the stamp plate respectively and they have grooves parallel to each other and webs correspondingly parallel to each other, wherein the grooves and webs are equally high and wide. See the Figures.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 11-12, 15-16, 18, 22-23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenzel et al. in view of U.S. Patent No. 3,442,309 to Funahashi.

With respect to claims 2-3 and 22-23, Wenzel et al. teaches all that is claimed, as in the above rejection of claims 1, 4-9, 21, and 24-29, except that the groove/web structures have rectangular or square cross-sections.

Funahashi et al. teaches a hand stamp having interconnecting groove/web structures having rectangular and square cross-sections. See Figures.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of Wenzel et al. to have square cross-sections, as taught by Funahashi et al., in order to be able to produce the parts more readily with more easily machined shapes.

With respect to claims 11-12, Wenzel et al. teaches all that is claimed, as in the above rejection of claims 1, 4-9, 21, and 24-29, except that the carrier is made of a dimensionally stable plastic material

Funahashi teaches a hand stamp having a carrier is made of a dimensionally stable plastic material. See column 2, lines 36-37.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of Wenzel et al. to be made of a dimensionally stable plastic material, as taught by Funahashi et al., in order to have more durable parts.

With respect to claims 15 and 33, Wenzel et al. teaches all that is claimed, as in the above rejection of claims 1, 4-9, 21, and 24-29, except for receiving means for letters, or stamp characters, respectively, formed on the side of the stamp plate that faces away from the groove/web structures.

Funahashi et al. teaches a hand stamp with for receiving means for letters, or stamp characters, respectively, formed on the side of the stamp plate that faces away from the groove/web structures. See column 2, lines 25-31.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of Wenzel et al. to be have receiving means, as taught by Funahashi et al., in order to be able to more easily change what is printed with the stamp.

With respect to claim 16, Wenzel et al. teaches that the stamp characters are made of an elastic material. See page 1, column 2, lines 23-25.

With respect to claim 18, Wenzel et al. teaches that several letters/stamp characters are interconnected. See page 2, column 1, lines 16-23 and Fig. 8.

5. Claims 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenzel et al. in view of U.S. Patent No. 5,809,886 to Faber.

Wenzel et al. teaches all that is claimed, as in the above rejection of claims 1, 4-9, 21, and 24-29 except that the stamp plate is made of caoutchouc.

Faber teaches a stamp plate made of caoutchouc. See column 2, lines 44-52.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the hand stamp of Wenzel et al. to have the stamp plate made of caoutchouc, as taught by Faber, in order to use a soft, elastic material which will be readily retained in the stamp plate carrier.

6. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenzel et al. in view of Funahashi as applied to claims 2-3, 12, 15-16, 22-23 and 33 above, and further in view of Faber.

With respect to claim 17, Wenzel et al. and Funahashi teach all that is claimed, as in the above rejection of claims 2-3, 11-12, 15-16, 18, 22-23 and 33 except that the stamp plate is made of caoutchouc.

Faber teaches a stamp plate made of caoutchouc. See column 2, lines 44-52.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the hand stamp of Wenzel et al. to have the stamp plate made of caoutchouc, as taught by Faber, in order to use a soft, elastic material which will be readily retained in the stamp plate carrier.

With respect to claim 20, Wenzel et al. and Funahashi teach all that is claimed, as in the above rejection of claims 2-3, 11-12, 15-16, 18, 22-23 and 33 except that the stamp is designed as a self-inking stamp with a turning mechanism.

Faber teaches a self-inking stamp with a turning mechanism. See column 5, lines 21-40.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the hand stamp of Wenzel et al. to be designed as a self-inking stamp with a turning mechanism, as taught by Faber, in order to be able to readily use the stamp without the need for an external inking device.

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7. Claims 19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenzel et al. in view of Funahashi, as applied to claims Wenzel et al. and Funahashi teach all that is claimed, as in the above rejection of claims 2-3, 11-12, 15-16, 18, 22-23 and 33 above, and further in view of U.S. Patent No. 6,360,658 to Benson.

Wenzel et al. and Funahashi teach all that is claimed, as in the above rejection of claims 2-3, 11-12, 15-16, 18, 22-23 and 33 except that the receiving means have rounded undercuts.

Benson teaches a hand stamp having stamp plate receiving means with rounded undercuts. See Fig 2.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the hand stamp of Wenzel et al. to have the rounded undercuts of Benson in order to accommodate stamp plates having shapes more appropriate to these receiving means.

Allowable Subject Matter

8. Claims 10 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 10 and 30, the prior art does not teach or render obvious a hand stamp as claimed, particularly including transverse grooves traversing the grooves and corresponding transverse webs.

Response to Arguments

9. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER